

SECOND REGULAR SESSION

# HOUSE BILL NO. 1295

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOUGH (Sponsor), DENISON, MEADOWS, FALLERT,  
PHILLIPS, LONG, SOLON, STREAM, HINSON, KORMAN, COOKSON AND SCHIEFFER (Co-sponsors).

4622L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 304.120, RSMo, and to enact in lieu thereof two new sections relating to road use.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 304.120, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 304.120 and 537.293, to read as follows:

304.120. 1. Municipalities, by ordinance, may establish reasonable speed regulations for motor vehicles within the limits of such municipalities. No person who is not a resident of such municipality and who has not been within the limits thereof for a continuous period of more than forty-eight hours, shall be convicted of a violation of such ordinances, unless it is shown by competent evidence that there was posted at the place where the boundary of such municipality joins or crosses any highway a sign displaying in black letters not less than four inches high and one inch wide on a white background the speed fixed by such municipality so that such sign may be clearly seen by operators and drivers from their vehicles upon entering such municipality.

2. Municipalities, by ordinance, may:

(1) Make additional rules of the road or traffic regulations to meet their needs and traffic conditions;

(2) Establish one-way streets and provide for the regulation of vehicles thereon;

(3) Require vehicles to stop before crossing certain designated streets and boulevards;

(4) Limit the use of certain designated streets and boulevards to passenger vehicles,

**except that each municipality shall allow at least one street, with lawful traffic movement**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **and access from both directions, to be available for use by commercial vehicles to access**  
18 **any roads in the state highway system. Under no circumstances shall the provisions of this**  
19 **subdivision be construed to authorize municipalities to limit the use of all streets in the**  
20 **municipality;**

21 (5) Prohibit the use of certain designated streets to vehicles with metal tires, or solid  
22 rubber tires;

23 (6) Regulate the parking of vehicles on streets by the installation of parking meters for  
24 limiting the time of parking and exacting a fee therefor or by the adoption of any other regulatory  
25 method that is reasonable and practical, and prohibit or control left-hand turns of vehicles;

26 (7) Require the use of signaling devices on all motor vehicles; and

27 (8) Prohibit sound producing warning devices, except horns directed forward.

28 3. No ordinance shall be valid which contains provisions contrary to or in conflict with  
29 this chapter, except as herein provided.

30 4. No ordinance shall impose liability on the owner-lessor of a motor vehicle when the  
31 vehicle is being permissively used by a lessee and is illegally parked or operated if the registered  
32 owner-lessor of such vehicle furnishes the name, address and operator's license number of the  
33 person renting or leasing the vehicle at the time the violation occurred to the proper municipal  
34 authority within three working days from the time of receipt of written request for such  
35 information. Any registered owner-lessor who fails or refuses to provide such information  
36 within the period required by this subsection shall be liable for the imposition of any fine  
37 established by municipal ordinance for the violation. Provided, however, if a leased motor  
38 vehicle is illegally parked due to a defect in such vehicle, which renders it inoperable, not caused  
39 by the fault or neglect of the lessee, then the lessor shall be liable on any violation for illegal  
40 parking of such vehicle.

41 **5. No ordinance shall deny the use of commercial vehicles on all streets within the**  
42 **municipality.**

**537.293. 1. Notwithstanding any other provision of law, the use of vehicles on a**  
2 **public street or highway in a manner which is legal under state and local law shall not**  
3 **constitute a public or private nuisance, and shall not be the basis of a civil action for public**  
4 **or private nuisance.**

5 **2. No individual or business entity shall be subject to any civil action in law or**  
6 **equity for a public or private nuisance on the basis of such individual or business entity**  
7 **legally using vehicles on a public street or highway. Any actions by a court in this state to**  
8 **enjoin the use of a public street or highway in violation of this section and any damages**  
9 **awarded or imposed by a court, or assessed by a jury, against an individual or business**  
10 **entity for public or private nuisance in violation of this section shall be null and void.**

11           **3. Notwithstanding any other provision of law, nothing in this section shall be**  
12 **construed to limit civil liability for compensatory damages arising from physical injury to**  
13 **another human being.**

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